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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Luis GOMEZ-Hernandez, Rafael SANTIAGO-Vasquez** Defendant(s)	Magistrate Case No. '08 MJ 1794 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii) Bringing in Illegal Aliens Without Presentation

The undersigned complainant, being duly sworn, states:

On or about **June 8, 2008,** within the Southern District of California, defendant **Jose Luis GOMEZ-Hernandez**, and **Rafael SANTIAGO-Vasquez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Adolfo TALAMANTES-Rocha, Benigno CUAULTE-Lazaro, Servando BAEZ-Cuautle,** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Jorge Salazar
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF JUNE 2008

Ruben B. Brooks
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Jose Luis GOMEZ-Hernandez,
Rafael SANTIAGO-Vasquez

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Adolfo TALAMANTES-Rocha, Benigno CUAULTE-Lazaro, Servando BAEZ-Cuautle** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On June 8, 2008, at approximately 8:45 am, United States Border Patrol Agent Bryan, was assigned to line watch duties in the area of Laguna Mountain. Agent Bryan responded to sensor activation in an area known as Echo Canyon. Echo Canyon is a remote area frequently used by undocumented aliens in transit northbound towards I-8 and the Laguna Mountains. Agent Bryan arrived in Echo Canyon and found foot prints for a large group of people on a known undocumented alien trail. Agent Bryan followed the foot prints for approximately 30 minutes and at approximately 9:15 a.m. encountered 17 individuals including the two defendants **Jose Luis GOMEZ-Hernandez,** and **Rafael SANTIAGO-Vasquez**, attempting to hide in the brush. Agent Bryan identified himself as a Border Patrol Agent and questioned the 17 individuals as to their citizenship. All 17 individuals, including GOMEZ and SANTIAGO freely admitted to being undocumented aliens illegally present without any proper documents allowing them to enter or remain in the United States. Agent Bryan placed all 17 individuals under arrest and transported them all, including GOMEZ and SANTIAGO, to the Campo Border Patrol Station processing center.

DEFENDANT STATEMENT #1:

At approximately 11:35 a.m. GOMEZ was read his MIRANDA rights. GOMEZ stated that he understood his rights and agreed to answer questions without an attorney present. GOMEZ is a citizen and national of Mexico without possessing the required immigration documentation to enter or remain in the United States. GOMEZ stated that he had crossed the United States / Mexico International Boundary fence with the intention of earning money by smuggling people into the United States. GOMEZ mentioned that for this event he was going to get paid $300 US Dollars per undocumented alien that he successfully smuggled in. GOMEZ mentioned that he had been walking for two nights before being apprehended by the US Border Patrol. GOMEZ stated that another foot guide in the group had made a phone call to coordinate the picking up of the undocumented aliens. GOMEZ mentioned that close to mile marker 20 in Interstate 8 is where the group was supposed to be picked up. When questioned about his smuggling activity, GOMEZ mentioned that he had been crossing illegal aliens for about two and a half years. GOMEZ mentioned that he understood he was violating the law. GOMEZ said that last week, on June 2, 2008 he had tried smuggling people and was going to get paid $300 US Dollars per person. GOMEZ freely admitted that he was aware that illegal alien smuggling was a punishable crime under United States law.

DEFENDANT STATEMENT #2:

At approximately 11:35 a.m. the defendant, **Rafael SANTIAGO-Vasquez** was read his Miranda rights. SANTIAGO stated that he understood his rights and agreed to answer questions without an attorney present. SANTIAGO currently resides in Tijuana, Baja California Norte. SANTIAGO is a citizen and national of Mexico without the required Immigration documentation to enter or remain in the United States. SANTIAGO stated that he crossed the United States / Mexico International Boundary fence last Friday around 10:00 p.m. SANTIAGO stated that his intention was to smuggle people across into the United States. SANTIAGO stated that for this event he was going to get paid $200.00 US Dollars per person that he successfully smuggled.

CONTINUATION OF COMPLAINT:
Jose Luis GOMEZ-Hernandez,
Rafael SANTIAGO-Vasquez

SANTIAGO mentioned that he crossed near Tecate, Mexico on a little town called Rosa de Castillo. SANTIAGO mentioned that they were supposed to be picked up west of the checkpoint in Interstate 8.

MATERIAL WITNESSES STATEMENTS:

Material Witnesses **Adofo TALAMANTES-Rocha, Benigno CHAUTLE-Rocha** and **Servando BAEZ-Cuautle** stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. They stated that arrangements had been made in Tijuana, California, Mexico to be smuggled into the United States. All the material witnesses stated that they were to pay between $1500.00 and $1700.00 U.S. dollars to be smuggled to various parts of California.